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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,257	10/19/2001	Franc J. Camara	MS1-262USC1	5410
22801	7590	11/10/2003	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			BAUTISTA, XIOMARA L	
			ART UNIT	PAPER NUMBER
			2173	
DATE MAILED: 11/10/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,257

Applicant(s)

CAMARA ET AL.

Examiner

X L Bautista

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-33 and 45-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-33 and 45-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The attempt to incorporate subject matter into this application by reference to "...Patent Application Serial No. 09/153,432, filed September 14, 1998, which is now U.S. Patent No. _____" is improper because a specific patent number must be provided.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said

subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 25-32 and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Santos* (US 4,837,635) in view of the *IBM Technical Disclosure Bulletin* entitled "Host System and Attached Non-Programmable Terminal with Open Parallel Port" (hereinafter IBM).

Claims 25-27, 31, and 45-47:

Santos discloses a computer-implemented scanning system having a scanner coupled to a computer (fig. 1), a user interface having a graphical window having a preview scan space (figs. 1-7) being initially empty prior to a time when the scanner scans an image. Santos does not teach that the interface progressively displays the image within the preview scan space to visually convey that the scanner is scanning the image. However, IBM discloses a method for providing a host system with an application programming interface (API). IBM teaches that data from the scanner could be displayed so the user can view the scanned image as the compressed data is passed to the workstation controller (page 475; 1st & last paragraph; page 476, lines 2-3, 18-19; page 477, lines 16-17; page 478, lines 22-25). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a scan area that progressively displays the image as the scanner scans the image because it enables the user to see in real-time what the imaging device is capturing and cancel the scan

processing if desired.

Claims 28 and 48:

Santos teaches a persistently-visible menu positioned adjacent the preview scan space within the graphical window, the menu contains options particular to the operation of the scanner (figs. 4-12).

Claim 29:

Santos teaches presenting the user with options on what to do with the scanned image (figs. 5, 8, 9).

Claim 30:

Santos teaches a user interface having a control to enable a user to select a portion of the image for scanning (figs. 7, 10, 11; col. 2, lines 62-64).

Claim 31:

See claim 25. Santos teaches a file system (col. 2, lines 41-64).

Claim 32:

Santos teaches a software (operating system) that controls the allocation and usage of hardware resources such as memory, CPU time, disk space, and peripheral devices (col. 2, lines 6-44).

5. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Santos/IBM* in view of *Tarabella* (US 5,796,945).

Claim 33:

See claim 25. Santos/IBM does not teach that a browser is embodied on the computer system incorporating the user interface. However, Tarabella discloses a system including a user interface for collecting a series of image collections for display, the system having an on-line browsing software and a browser button 152 that launches the on-line software directly from the connection window (abstract; col. 2, lines 21-44; col. 7, lines 45-54). Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Santos/IBM's image acquisition system to include Tarabellas's user interface having a browser because as Tarabella says, the browser enables the user to access commercial information networks.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be reached on M-Th (8:00-18:00) Fridays Off.

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8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



X L Bautista
Patent Examiner
Art Unit 2173

xlb
October 31, 2003